IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISIDICTION

CONTEMPT PETITION NO.314 OF 1998
IN
CONTEMPT PETITION NO.227 OF 1998
IN
WRIT PETITION NO. 5595 OF 1997

Balkrishna Kana Naik]
Age Adult, Occ: Agri.]
Residing at village Bamandongri]
Post Vahal, Taluka Panvel]
Dist.Raigad]..Petitioner

Vs.

1. The State of Maharashtra]
(Notice to be served on]
the Additional Govt.]
Pleader, High Court, A.S.]
Bombay]
]
2. Mr.Rajagiri Babugiri]
Gosawi, The Special]
Land Acquisition Officer,]
Metro Centre No.3,]
having his Office at]
Panvel, Dist.Raigad]..Respondents

....

None for the Petitioner
Mr.A.H.Palekar A.G.P. for Respondent nos.1 and 2

....

CORAM : B.H.MARLAPALLE,J.

DATE : FEBRUARY 18,2005

ORAL JUDGMENT:

1. Writ Petition No. 5597 of 1997 was decided by this Court (Division Bench) on 24.11.1997 and following directions were issued against the respondent no.2 Land Acquisition Officer:

. "The Special Land Acquisition Officer Metro Centre No.3 Panvel, is directed to decide and dispose of the petitioner's application under Section 28-A of the Land Acquisition Act, 1894 within six months from today."

. This Contempt Petition filed on or about 3.11.1998 alleges that inspite of the above directions issued by this Court the petitioner's application submitted under Section 28-A of the Land Acquisition Act, was not decided within a period of six months and therefore, he had approached this Court in Contempt Petition No. 227 of 1998. When the said Contempt Petition came up for hearing before this Court, a statement was made by the respondent no.1 that he would pass the Award and would make the payment on or before 30.10.1998. Even the fresh undertaking as furnished before this Court in Contempt Petition No. 227 of 1998 was also not followed and implemented and therefore, this Contempt Petition alleging breach of the said undertaking.

2. Mr.Palekar the learned A.G.P. has placed on record a copy of the letter dated 1.1.1999 received from the respondent no.2. As per the said letter, the petitioner's application filed under Section 28-A of the Land Acquisition Act was decided and enhanced compensation amount of Rs.41,531/- was paid to him on 23.11.1998. A copy of the receipt duly acknowledged

by the petitioner on 23.11.1998 is annexed to the said letter. The same documents are taken on record and marked as ‘X’ for identification.

3. Nothing further survives in this Contempt Petition and if the payment has been made on 23.11.1998 the application filed under Section 28-A of the Land Acquisition Act, must have been decided before that date.

4. In the premises, the Contempt Petition is dismissed. Rule discharged.

[B.H.MARLAPALLE,J.]